

**MINUTES
FREMONT CITY COUNCIL REGULAR MEETING
DECEMBER 7, 2010
FREMONT CITY HALL
7:00 P.M.**

1. PRELIMINARY

1.1 Call to Order: Mayor Wasserman called the meeting to order.

1.2 Flag Salute: Mayor Wasserman led the salute to the flag.

1.3 Roll Call: Present: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison

1.4 Announcements by Mayor/City Manager – None.

2. CEREMONIAL ITEMS

2.1 Mayor Wasserman opened consideration of Certification of the General Municipal Election of November 2, 2010

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council adopted Resolution No. 2010-69 receiving the Official Canvas of the General Municipal Election, November 2, 2010 from the Alameda County Registrar of Voters and declaring the results of the election.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	None
Abstain:	None

2.2 Recognition of and Comments by Outgoing Councilmember

Mayor Wasserman presented Councilmember Wieckowski with a resolution acknowledging his years of dedication and service to the City of Fremont. Members of the City Council and Nina Moore (Fremont Chamber of Commerce) recognized Councilmember Wieckowski with comments. Councilmember Wieckowski expressed his appreciation for the years he served on the City Council and thanked his fellow councilmembers and City staff.

2.3 Oath of Office and Installation of Newly Elected Councilmembers

Bob Wieckowski administered the Oath of Office to Councilmember Natarajan. City Clerk Dawn Abrahamson presented a Certificate of Election to Councilmember Natarajan.

Supervisor Scott Haggerty administered the Oath of Office to Councilmember Harrison. City Clerk Dawn Abrahamson presented a Certificate of Election to Councilmember Harrison.

2.4 Comments by Newly Elected Councilmembers

Councilmembers Harrison and Natarajan expressed their gratitude and spoke of challenging issues and concerns that the City Council would be considering in the months ahead.

2.5 Reception in Council Chambers for Outgoing and Incoming Elected Officials

3. CONSENT CALENDAR

- * **3.1 Waive Reading of Ordinances:** The City Attorney read the titles of ordinances to be considered.

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council waived further readings of proposed ordinances.

Ayes:	Mayor Wasserman, Vice Mayor Chan Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	None
Abstain:	None

- * **3.2 Approval of Minutes – None.**

- * **3.3 Mayor Wasserman opened consideration of Second Reading and Adoption of an Ordinance rezoning property located at 41482 Fremont Boulevard from Planned District 2003-18 to Planned District 2010-272 (Villas at Florio)**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council adopted Ordinance No. 25-2010.

Ayes:	Mayor Wasserman, Vice Mayor Chan, Councilmembers: Natarajan and Harrison
Noes:	None
Absent:	None
Abstain:	None

- * **3.4 Mayor Wasserman opened consideration of a Summary Vacation of a Public Utility Easement on a Portion of Parcel 1 of Parcel Map 5395 Located at the Northeast Corner of Hastings Street and Capitol Avenue in the Central Planning Area. (PLN2011-00062)**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council:

1. Held public hearing;

2. Found that Summary Vacation PLN2011-00062 is exempt from the California Environmental Quality Act per CEQA Guideline 15305, in that the vacation is considered a minor alteration in land use limitations which does not result in any land use or density changes;
3. Found that Summary Vacation PLN2011-00062 as depicted in Exhibit "A" is in conformance with the General Plan for the reasons stated in the body of this staff report;
4. Found that Summary Vacation PLN2011-00062 as depicted in Exhibit "A" fulfills the applicable criteria for summary vacation for the reasons stated in the body of this staff report; and
5. Adopted Resolution No. 2010-70 including the findings referenced above and vacating the subject PUE as depicted and described in Exhibit "A".
6. The City Clerk shall record the Resolution for summary vacation PLN2011-00062 with the Alameda County Recorder and return a copy of the recorded Resolution to both the Planning and Engineering Divisions for the PLN2011-00062 project files.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison

Noes: None

Absent: None

Abstain: None

*** 3.5 Mayor Wasserman opened consideration to Authorize the City Manager, or his Designee, to Approve and Execute Service Contract Amendment #2 for \$50,000 with Hulberg and Associates, Inc., for the Warren/Mission /Truck-Rail Program**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council authorized the City Manager, or his designee, to approve and execute Service Contract Amendment #2 for \$50,000 with Hulberg and Associates, Inc., for property appraisal services needed for the Mission/Warren/Truck-Rail Program.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison

Noes: None

Absent: None

Abstain: None

*** 3.6 Mayor Wasserman opened consideration of Authorization for the City Manager to Execute an Agreement for FY 2010/11 with Alameda County Health Care Services Agency to Support the Fremont Family Resource Center Programs and Services**

On a motion by Councilmember Natarajan, seconded by Vice Mayor Chan, the City Council authorized the City Manager or his designee to enter into an agreement with Alameda County Health Care Services Agency in the amount of \$100,000 for support of the Fremont Family Resource Center.

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

4. PUBLIC COMMUNICATIONS

4.1 Oral and Written Communications

Michael McNevin (Golden Spike) invited the community to ride the “Train of Lights” through Niles Canyon. Wynn Grcich (A.T.O.W.N.) expressed concern about the potential contamination of local drinking water.

5. SCHEDULED ITEMS – None.

6. REPORT FROM CITY ATTORNEY

6.1 Mayor Wasserman opened consideration of a Report Out from Closed Session of Any Final Action – None.

7. OTHER BUSINESS

7.1 Mayor Wasserman opened consideration of the Proposed Issuance of 2010 Variable Rate Demand Certificates of Participation (COPs) to Finance the Police Building Seismic Retrofit Project, Major Maintenance of Other City Buildings, Acquisition of Equipment, and Street Light Replacement with LEDs, and Appropriation of Funds (companion item on PFA agenda)

On a motion by Councilmember Natarajan, seconded by Councilmember Harrison, the City Council:

1. Approved the issuance of the 2010 Variable Rate Demand Certificates of Participation with a principal amount not to exceed \$17,500,000, and approved and appropriated the use of debt proceeds for the capital projects described in this report.
2. Adopted Resolution No. 2010-71 authorizing the preparation and execution by the City officers and staff identified in the resolution of all documents required to complete the 2010 Variable Rate Demand Certificates of Participation transaction, including the following lease financing documents (which are and have been on file with the Office of the City Clerk) in connection with the 2010 Variable Rate Demand Certificates of Participation:
 - a. Site and Facility Lease
 - b. Lease Agreement
 - c. Memorandum of Lease Agreement
 - d. Reimbursement Agreement with U.S. Bank
 - e. Trust Agreement with Union Bank of California
 - f. Certificate Purchase Agreement with Barclays Capital

g. Remarketing Agreement with Barclays Capital

Ayes: Mayor Wasserman, Vice Mayor Chan,
Councilmembers: Natarajan and Harrison
Noes: None
Absent: None
Abstain: None

7.2 Mayor Wasserman opened consideration of the Response to Direction from the City Council to review the October 26 Request to Review General Plan Update EIR Transportation Assumptions

Senior Planner Kelly Diekmann provided an update on staff's review of the General Plan Update EIR transportation assumptions and findings and reported on staff's meeting with Cargill Salt representatives. Staff responded to questions from Councilmembers. There were no public speakers.

By consensus, the City Council directed staff to continue with the General Plan Update EIR analysis based on land use assumptions for employment intensities representative of development patterns of the Ardenwood Business Park area.

8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Discussion and Action of Process for Filling Council Vacancy

Ayes: Mayor Wasserman, Vice Mayor Wieckowski,
Councilmembers: Natarajan, Harrison and Chan
Noes: None
Absent: None
Abstain: None

Mayor Wasserman outlined the process as outlined in Enclosure 8.1.1 and the action before the Council. Mayor Wasserman responded to questions from Councilmembers. Mayor Wasserman opened the item for public comment. Steve Cho and Rangin Khattak provided comments related to the proposed process and expressed support for appointing the third place finisher from the November 2 General Municipal Election. There were no other speakers. Mayor Wasserman closed public comment.

On a motion by Councilmember Harrison, seconded by Councilmember Natarajan, the City Council proceeded with an appointment process and schedule as outlined in the attached enclosure to appoint a person to fill the vacancy until the date of the next regularly scheduled municipal election to be held on November 6, 2012.

8.2 Oral Reports on Meetings and Events – None.

- 9. ADJOURNMENT:** There being no further business, Mayor Wasserman adjourned the meeting at 9:00 p.m. in memory of Alvirda Hyman (spouse of Morris Hyman, founder of the Fremont Bank).

Attest:

Approved:

Dawn G. Abrahamson, City Clerk

BOB WASSERMAN, Mayor